

**Remarks/Arguments:**

**I. Claim Status**

Claims 1 and 14 are amended herein. New claims 15-19 have been added. Support for new claims 15-19 is found in Figures 17-25 and in page 11, line 18, through page 13, line 8, of the application as originally filed. No new matter has been introduced. As a result, claims 1-19 are currently pending and under examination in the above-referenced application.

**II. Summary of Claim Rejections**

A. Claims 1, 2, 7 and 9-14 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Yannaci et al. (U.S. Pat. No. 6,210,057; hereinafter, "the Yannaci reference").

B. Claims 3 and 4 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Yannaci reference in view of Laitner (U.S. Pat. No. 3,789,451; hereinafter, "the Laitner reference").

C. Claims 5 and 6 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Yannaci reference in view of Pipkin (U.S. Pat. No. 4,602,650; hereinafter, "the Pipkin reference").

D. Claim 8 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Yannaci reference in view of Pazienza (U.S. Pat. No. 6,042,286; hereinafter, "the Pazienza reference").

Currently, no claim has been found allowable.

**III. Summary of Applicant's Invention**

One aspect of Applicant's invention, as reflected in independent claim 1, is directed to a medicament application device adapted for using with a medicament container, the medicament container having an opening for dispensing medicament contained in the container to the device. The medicament application device is comprised of:

- a) a plate defining at least one hole therethrough;

- b) a connector extending from a bottom side of the plate to a proximal end, the connector proximal end being adapted for connecting to the opening of the container, wherein the connector defines an inner channel therethrough, the inner channel being in fluid communication with the opening of the container and the hole of the plate; and
- c) a medicament applicator detachably attached to a top side of the plate, wherein the medicament applicator is made from a fluid permeable material and is adapted for detaching and replacing.

Another aspect of Applicant's invention, as reflected in independent claim 14, is directed to a medicament application device adapted for using with a medicament container, the medicament container having an opening for dispensing medicament contained in the container to the device. The medicament application device is comprised of:

- a) a plate defining at least one hole through the plate;
- b) a connector extending from a bottom side of the plate to a proximal end, the connector proximal end being adapted for connecting to the opening of the container, wherein the connector defines an inner channel therethrough, the inner channel being in fluid communication with the opening of the container and the hole of the plate;
- c) a porous backing extending from a top side of the plate; and
- d) bristles extending from the porous backing.

Still another aspect of Applicant's invention, as reflected in independent claim 15, is directed to a medicament application device adapted for using with a medicament container, the medicament container having an opening for dispensing medicament contained in the container to the device. The medicament application device is comprised of:

- a) a plate defining at least one hole therethrough and having a back side and a top side;
- b) a connector including a plate portion defining at least one hole therethrough and a stem portion extending from a bottom side of said plate portion to a proximal end and defining an inner channel therethrough, the stem proximal end being adapted for connecting to the opening of the container, the inner channel being in fluid communication with the opening of the container and the hole of the plate portion and the hole of the plate, the plate being connected to, and detachable from, the connector; and
- c) a medicament applicator attached to the top side of the plate, said medicament applicator being made from a fluid permeable material.

#### **IV. Response to Examiner's Arguments**

A. Claims 1, 2, 7 and 9-14 are novel over the Yannaci Reference.

Applicant traverses the rejection of claims 1, 2, 7 and 9-14 as anticipated by the Yannaci reference and respectfully requests reconsideration and withdrawal of the rejection in light of the claim amendments and arguments presented herein.

As noted previously, the medicament application device of Applicant's independent claim 1 and the claims dependent therefrom includes a medicament applicator which a) is detachably attached to a top side of a plate, b) is made from a fluid permeable material and c) is adapted for detaching and replacing. For a claim to be considered unpatentable under 35 U.S.C. §102, all the limitations of the claim must be disclosed, either expressly or under the principles of inherency, in a single prior art reference. *Corning Glass Works v. Sumitomo Elec. U.S.A., Inc.*, 868 F.2d 1251, 1255-56 (Fed. Cir. 1989). The Yannaci reference does not teach or suggest the possibility of a medicament applicator which can be detached from a top side of a plate and replaced; thus, it cannot anticipate Applicant's claimed invention.

The Yannaci reference does disclose a multipurpose applicator of "two-part construction" (column 3, line 26). One part is an applicator head subassembly, which may be one of three different applicator head subassemblies. Each applicator head subassembly has a housing 22, 42, 62, each of which has a matrix of apertures 32 through which a liquid can exit the housing 22, 42, 62 for introduction into the applicator head 20, 40, 60 (column 5, lines 64-67). The applicator head can be a sponge head 20, or a hollow flexible rubber head 40 or a soft bristle brush head 60. The inner surface of the body of each applicator is "secured to the head housing by conventional means" (column 3, lines 47-49). The second part is a pump subassembly 100. The pump subassembly is detachable from the applicator head subassembly to allow "the interchangeable use of the three applicator housings 22, 42, 62, thus allowing multiple types of applicator heads 20, 42, 60 to be chosen" (column 6, lines 17-20).

Thus, although an applicator head subassembly can be detached from the pump subassembly 100 and replaced with a different applicator head subassembly, the applicator head within each applicator head subassembly is not capable of detachment from the housing

(containing the matrix of apertures) to which it is secured. To replace an applicator head in the applicator device described in the Yannaci reference requires exchanging the entire applicator head subassembly (i.e., the applicator head and the housing containing the matrix of apertures 32, which are secured to each other).

In contrast, Applicant's invention (as claimed in claim 1 and the claims dependent on claim 1) utilizes a design in which a medicament applicator made from a fluid permeable material (e.g., sponge, cloth) is detachably attached to a plate defining at least one hole therethrough. Such design permits the medicament applicator to be easily replaced, thereby preventing the transmission of skin diseases from one animal to another (see page 12, lines 25-27, and page 13, lines 11-14, of the specification).

The medicament application device of Applicant's independent claim 14 includes bristles on a porous backing extending from a top side of a plate defining at least one hole through the plate. The Yannaci reference does not teach or suggest an applicator having bristles which extend from a porous backing that is on a top side of a plate containing one or more holes; it therefore cannot anticipate Applicant's claimed invention since it does not disclose all the limitations of claim 14. As noted by the Examiner, the Yannaci reference does disclose an embodiment where the applicator head subassembly of the applicator contains a bristle brush head. However, the reference fails to disclose or suggest the possibility of having a porous backing between brush head 60 and the brush head applicator housing 62 (from which the bristles extend and which contains a matrix of apertures 32). The reference does not provide any details regarding the interface between the bristles and the applicator housing. The reference does generally state that "[t]he inner surface of the body of the applicator is typically secured to the head housing by conventional means" (column 3, lines 47-49), but there is no indication whatsoever that such conventional means for securing might include a porous backing as recited in Applicant's claim 14.

- B. Claims 3 and 4 are unobvious over the Yannaci Reference in view of the Laitner Reference.

Applicant traverses the rejection of claims 3 and 4 as obvious over the Yannaci reference in view of the Laitner reference and respectfully requests reconsideration and withdrawal of the rejection in light of the claim amendments and arguments presented herein.

To establish *prima facie* obviousness of a claimed invention, all the claim elements must be taught or suggested by the prior art. *In re Royka*, 100 USPQ 500 (CCPA 1974). All words in a claim must be considered when judging the patentability of the claim against the prior art. *In re Wilson*, 165 USPQ 494, 496 (CCPA 1970). "The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness." MPEP §2142.

As explained in Section IVA above, the Yannaci reference does not teach or suggest certain elements of Applicant's invention as claimed in claim 1 (from which claims 3 and 4 depend), namely, a medicament applicator which a) is detachably attached to a top side of a plate (the plate defining at least one hole therethrough), b) is made from a fluid permeable material and c) is adapted for detaching and replacing. These missing elements are not supplied by the Laitner reference. Applicant therefore respectfully submits that the Examiner has failed to establish a proper *prima facie* case of obviousness under 35 U.S.C. §103.

- C. Claims 5 and 6 are nonobvious over the Yannaci Reference in view of the Pipkin reference.

Applicant traverses the rejection of claims 5 and 6 as obvious from the Yannaci reference in view of the Pipkin reference and respectfully requests reconsideration and withdrawal of the rejection in light of the claim amendments and arguments presented herein.

To establish *prima facie* obviousness of a claimed invention, all the claim elements must be taught or suggested by the prior art. *In re Royka*, 100 USPQ 500 (CCPA 1974). All words in a claim must be considered when judging the patentability of the claim against the prior art. *In re Wilson*, 165 USPQ 494, 496 (CCPA 1970). "The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima*

*facie* case, the applicant is under no obligation to submit evidence of nonobviousness." MPEP §2142.

As explained in Section IVA above, the Yannaci reference does not teach or suggest certain elements of Applicant's invention as claimed in claim 1 (from which claims 5 and 6 depend), namely, a medicament applicator which a) is detachably attached to a top side of a plate (the plate defining at least one hole therethrough), b) is made from a fluid permeable material and c) is adapted for detaching and replacing. These missing elements are not supplied by the Pipkin reference. Applicant therefore respectfully submits that the Examiner has failed to establish a proper *prima facie* case of obviousness under 35 U.S.C. §103.

D. Claim 8 is unobvious from the Yannaci Reference in view of the Pazienza Reference.

Applicant traverses the rejection of claim 8 as obvious from the Yannaci reference in view of the Pazienza reference and respectfully requests reconsideration and withdrawal of the rejection in light of the claim amendments and arguments presented herein.


To establish *prima facie* obviousness of a claimed invention, all the claim elements must be taught or suggested by the prior art. *In re Royka*, 100 USPQ 500 (CCPA 1974). All words in a claim must be considered when judging the patentability of the claim against the prior art. *In re Wilson*, 165 USPQ 494, 496 (CCPA 1970). "The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness." MPEP §2142.

As explained in Section IVA above, the Yannaci reference does not teach or suggest certain elements of Applicant's invention as claimed in claim 1 (from which claim 8 depends), namely, a medicament applicator which a) is detachably attached to a top side of a plate (the plate defining at least one hole therethrough), b) is made from a fluid permeable material and c) is adapted for detaching and replacing. These missing elements are not supplied by the Pazienza reference. Applicant therefore respectfully submits that the Examiner has failed to establish a proper *prima facie* case of obviousness under 35 U.S.C. §103.

**V. Conclusion**

Accordingly, Applicant submits that the present application is in condition for allowance and respectfully requests that the Amendment be entered and the application be passed to issue. The Examiner is encouraged to contact either of Applicant's Attorneys noted below, if she believes there are any remaining issues to be discussed.

Respectfully submitted,

  
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